

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, claims 1-14, and the abstract of the disclosure have been amended. New claims 15-18 have been added. Claims 1-18 are now pending in the application. Claims 1 and 16 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to overcome the objections thereto, to overcome the rejections under 35 U.S.C. § 112, second paragraph, and in general to more fully comply with U.S. practice. New claims 15-18 have been added to further define the scope of protection sought for Applicant's invention. Entry of each of the amendments is respectfully requested.

Applicant acknowledges with gratitude the indication of allowable subject matter in claims 9-11. However, for at least the reasons presented below, Applicant submits that all of the pending claims are allowable.

35 U.S.C. § 103(a) – Carlsson and Morlok

Claims 1-8 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/87671 to Carlsson, in view of U.S. Patent No. 4,284,291 to Morlok et al. (hereinafter "Morlok"). The Office Action acknowledges that Carlsson does not disclose "the location of the extension device."

The rejection of claims 1-8 and 12-14 under § 103(a) based on Carlsson and Morlok is respectfully traversed. First, regardless of what Morlok may disclose with regard to an extension device, the disclosure of Morlok does not rectify the above-described deficiency of Carlsson.

Applicant's claim 1 defines an impact attenuating device that includes, *inter alia*, an extension device. The extension device feature is "configured such that in a first position the extension device positions the attenuating part in a *transport position*, in which the attenuating part is extended away from the front part, and in a second position the extension device positions the attenuating part in an *operation position* in which the attenuating part is positioned *against* the front part" (emphasis added).

That is, Applicant's claimed extension device feature has at least two possible positions. The first position of the extension device is used when the impact attenuating device is being transported to and from a work area (i.e., the "transport

position"). In the transport position, the extension device is extended in order to let the attenuating part hang freely and facilitate transportation as an ordinary trailer behind a vehicle.

The second position of the device is used at a work area when the impact attenuating device is in use (i.e., the "operation position"). In the operation position, the extension device is retracted to its shortened position in order to be able to dock and secure the attenuating part to the front part of the attenuating device.

As the examiner acknowledges, Carlsson fails to teach an impact attenuating device that has an extension device located between a front part of the attenuating device and the attenuating part (i.e., Applicant's element (4)). Furthermore, Morlok fails to rectify the deficiency of Carlsson. Morlok discloses a towing arrangement extendable by means of a hydraulic cylinder. Morlok's towing arrangement is extended in order to be able to dock the hook-up unit to the vehicle, especially in an uneven terrain since the towing arrangement is maintained in a middle position by means of spring elements. To secure the hook-up unit to the vehicle in front, the towing arrangement is then *shortened* by use of the hydraulic cylinder. After the towing arrangement is shortened, the hook-up unit is secured to the vehicle and transportation can take place, with the hook-up unit and the vehicle tightly fixed together, more or less as one unit. That is not Applicant's claimed invention.

Second, there is no teaching whatsoever in the disclosures of Carlsson and Morlok that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's pending claims. In view of Morlok's shortened, fixed towing arrangement, the person having ordinary skill in the art would not have looked to Morlok for a solution to the problem of transporting an impact attenuating device having a very large turning radius. Morlok's positional arrangement simply would not have solved the problem of facilitating a shifting between the transport position and the operation position of the impact attenuating device. Morlok teaches a towing arrangement with the hook-up unit tightly fixed at the vehicle when transported, i.e., a *reverse* arrangement to that of Applicant's claimed device in which the extension device is extended during transport. Combining Carlsson with Morlok would result in a device in which the turning radius of the vehicle and attached unit would still be very large, and thus the problem addressed by Applicant's invention would not be solved.

Accordingly, the combined disclosures of Carlsson and Morlok would not have rendered obvious the invention defined by Applicant's claim 1. Claims 2-8 and 12-14 are allowable because they depend from claim 1, and for other reasons.

New claims 15-18 have been added to further define the scope of protection sought for Applicant's invention. New claims 15-18 are also allowable. Claim 15 defines the front part-to-

vehicle connection feature that was deleted from claim 1 in response to the rejection under § 112, second paragraph. New independent claim 16 defines a device that includes at least the features discussed above with respect to the rejection over Carlsson and Morlok. Accordingly, the cited references neither anticipate nor would have rendered obvious the device defined by any of claims 15-18.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: June 19, 2008